Remarks

Prior to entry of this amendment, claims 1-55 were pending. The Office Action mailed October 3, 2011 (the "Office Action") rejected claims 1-55 under 35 U.S.C. § 103(a) as being unpatentable over US 6,816,878 B1 to Zimmers *et al.* ("Zimmers"), in view of US 7,233,781 B2 to Hunter *et al.* ("Hunter"), and further in view of US 6,526,581 B1 to Edson ("Edson"), and further in view of US 2004/0044736 A1 to Austin-Lane *et al.* ("Austin-Lane").

No claims have been amended, added, or canceled. Hence, after entry of this paper, claims 1-55 will stand pending for examination. Claims 1, 15, 27, 43 and 49 are independent claims.

Claim Amendments

None.

Rejections under 35 U.S.C. § 103

Claims 1-55

Claims 1-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zimmers, in view of Hunter, and further in view of Edson, and further in view of Austin-Lane. These rejections are respectfully traversed, because the Office Action has not demonstrated that the cited combination either teaches or suggests each element of any rejected claim.

Claim 1 recites, inter alia, a system that "*receive[s] an alert via the at least one interface member, the alert being configured to describe an event and having associated information about the alert comprising event information characterizing the event, wherein said event information includes at least one of information related to an event category under which the event falls and information related to specific details about the event,*" and "*wherein the alert gateway is . . . configured to analyze the event information and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information.*"

In other words, claim 1, as amended, is directed to a system that receives an alert describing an event and having associated information that describes and characterizes the event,

where the associated information includes event information <u>including information pertaining to the event category under which the event falls</u> (e.g., a weather event, natural disaster, civil defense warning, etc.) and/or <u>information pertaining to some specific detail of the event</u> (e.g., what type of weather event, natural disaster, or civil defense matter; locations and peoples affected; audio/video/text of the event itself, etc.). Based on an analysis of such event information (including <u>category or specific detail of the event</u>), the alert gateway determines where to send the alert.

The Office Action correctly concedes that neither Zimmers, Hunter, nor Edson discloses or suggests an alert gateway in communication with two or more types of subscriber equipment, and configured to analyze the event information and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information. The Office Action, however, relies on Austin-Lane to disclose this feature.

Although Austin-Lane discloses intelligently routing of notifications to one or more of a plurality of devices, Austin-Lane (like previously cited U.S. Patent Application Publication 2003/0131142 A1 to Horvitz *et al.* ("Horvitz")) fails to teach or suggest an alert gateway that analyzes the event information (including at least one of information related to an <u>event category</u> under which the event falls and information related to <u>specific details about the event</u>) and subsequently determines to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information (including <u>event category and/or specific event details</u>).

The Office Action at pp. 9-10 cites Austin-Lane at the Abstract, ¶¶ 0008-0009, 0021, 0029-0032 as teaching a method and system for delivering an electronic notification to an intended recipient using a cascaded delivery technique including multiple diverse devices, and relies on Austin-Lane to teach wherein an alert gateway is configured to analyze the event information and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information, by citing Austin-Lane at ¶¶ 0036-0048 ("operations of Notification Generation Service 349 including delivering notification according to notification triggers") and ¶¶ 0075-0078 ("with further reference to the method of Fig. 8 [sic, should be Fig. 9] including selecting an appropriate Delivery Mechanism 310 as a function of notification urgency").

First, with regard to ¶¶ 0036-0048, Austin-Lane merely discloses that there are numerous examples of triggering events, which "may be based, for example, on a promotional advertisement, an account balance, a portfolio status, a credit status, an online status, information that an order and/or a service is complete, or a message regarding confirmation, cancellation, and/or rescheduling of an appointment. Other examples include, but are not limited to, a weather forecast and/or adverse weather conditions of a particular geographic region; a particular date, holiday and/or other special occasion; an online status of another user; a change to a predetermined web page; or entertainment programming and/or ticket information." *See, e.g.,* Austin-Lane, ¶ 0037. Although Austin-Lane discloses that "[t]he notification delivery service [352], alone or in conjunction with other services, may perform sorting, prioritizing, or other types of organizational processing on the notification so that the notification is delivered to an optimal delivery mechanism in a desired fashion," [*see* Austin-Lane, ¶ 0045], Austin-Lane clarifies that this is performed, more particularly, "based on the presence information 343 and/or the notification information 346." *See* Austin-Lane, ¶ 0046. As defined by Austin-Lane, "the presence information 343 may indicate that the user 305 presently is online using notebook computer 310d to browse the Web, and that the user 305 has an active IM connection," while "[t]he notification information 346 may indicate that the user 305 prefers to receive notifications through instant messaging rather than the Web browser." In other words, Austin-Lane neither teaches nor suggests the claimed "*alert gateway . . . configured to analyze the event information and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information*" because Austin-Lane's "sorting, prioritizing, or other types of organizational processing on the notification so that the notification is delivered to an optimal delivery mechanism in a desired fashion" is <u>not</u> done "*as a function of analyzing the event information,*" as required by claim 1, but is rather done based on non-event information (i.e., presence information and user preference notification information).

Further, although Austin-Lane discloses that (i) the notification generation service 349 generates notifications based on the information of the information service 330; (ii) a notification delivery service 352 delivers the notifications to the user 305 using one or more of the delivery mechanisms 310; (iii) the notification generation service 349 generates notifications based on the notification information maintained by the notification service 340; (iv) the notification

generation service 349 communicates with the information service 330 to identify when a notification trigger is satisfied, for example, by the occurrence of a particular event, or by the presence of predetermined information; and (v) the notification generation service 349 may receive the information from the information service 330, and may then determine whether the information corresponds to a triggering event of a notification of interest to the user 305 [*see* Austin-Lane, ¶¶ 0041-0043], disclosures (i)-(v) relate to whether the notification should be sent to the user at all, rather than *determining* (based on the event information) *to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the event information*, as required by claim 1.

Second, with regard to ¶¶ 0075-0078, although Austin-Lane discloses that "[t]he notification delivery service 352 also may determine whether the notification is designated as 'urgent' (e.g., a notification might be marked 'urgent' that alerts of a tornado that has been spotted near the user's home address) . . . [and] may determine whether wireless notification is available for the user 305 (e.g., through notification to a mobile phone, a PDA, a pager) . . . " [*see* Austin-Lane, ¶ 0076], Austin-Lane does not explicitly disclose that this "urgent" designation is derived *as a function of analyzing the event information*, as required by claim 1. Rather, this "designation" of "urgent" is very similar to Horvitz's XML schemas, in that it merely tags the notification as urgent prior to the alert gateway receiving the notification for delivery to one of the two or more types of subscriber equipment. Importantly, the language in ¶ 0076 of Austin-Lane states that "[t]he notification delivery service 352 also may <u>determine whether the notification is designated as 'urgent'</u>" (emphasis added), which implies that the notification is pre-marked with the designation "urgent" rather than the notification delivery service analyzing the contents of the event information to determine that it is urgent. The language in the parenthesis following this sentence in ¶ 0076 – i.e., "a notification might be marked 'urgent' that alerts of a tornado that has been spotted near the user's home address" – likewise merely indicates a pre-marking rather than determining to which of two or more types of subscriber equipment to send the notification as a function of analyzing the event information. These disclosures in ¶ 0076 of Austin-Lane are very much like the disclosure in ¶ 0159 of Horvitz – which discloses that "metadata about the subscription of a service to a source of information, as well as representing details about that information, including the nature, importance, time

criticality or <u>urgency of information</u>, disposition over time of information provided by a message, and message handling preferences" (emphasis added), to make a routing determination.

In contrast, claim 1 recites a system that is capable of determining, from information characterizing the event (e.g., a natural disaster about which notification is distributed), <u>rather than any metadata *or any pre-marked/pre-designated information* about the alert</u>, which of the two or more types of subscriber equipment should receive the alert. Claim 1, as amended, further recites that the event information includes "*at least one of information related to an event category under which the event falls and information related to specific details about the event*," analysis of which is the basis for the routing determination.

In sum, none of Zimmers, Hunter, Edson, and Austin-Lane, either alone or in combination, teach or suggest all of the elements of claim 1 as amended. Thus, the rejection of claim 1 under § 103(a) should be withdrawn. The rejections of claims 15, 27, 43 and 49, which recite similar subject matter as amended claim 1, should be withdrawn for at least similar reasons. Claims 2-14, 16-26, 28-42, 44-48, and 50-55 are allowable at least by virtue of their dependence on allowable base claims.

Conclusion

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This paper constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

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